NOTIFICATION

No RDE 9 FSU 63 dated Bangalore, the 19th April 1963

Ordered that the accompanying Notification No. 1(1)/63-SPY, dated 17th April 1963 which has been published in the *Gazette of India*, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

P. NAGESHA RAO,
14 *Under Secy to Govt, R. D (Food).*

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

(Department of Food).

NOTIFICATION.

New Delhi, the 17th April 1963 (*27th Chaitra*, 1885).

G S R In exercise of the powers conferred by sub-rule (2) of Rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following order, namely:—

1. Short title, extent and commencement—(1) This order may be called the Sugar (Control) Order, 1963.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions—In this order, unless the context otherwise requires,

(*a*) "Chief Director" means the Chief Director in the Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture, and includes an Officer on special Duty, a Director and a Deputy Director in that Directorate.

(*b*) "Recognised dealer" means a person carrying on the business of purchasing, selling or distributing sugar, and licensed under the Order relating to licensing of sugar dealers for the time being in force in a State or Union territory;

(*c*) "Ex-factory price" means the price of sugar (inclusive of excise duty) packed in such manner as may be prescribed by the Central Government and loaded at the buyer's option on buyer's carts, lorries, or other means of transport, or into railway station or siding generally used by producer, and includes all incidental charges and dunnage charges, which are on account of the ex-factory seller,

(*d*) "Producer" means a person carrying on the business of manufacturing sugar

(*e*) "Sugar" means—

(i) any form of sugar containing more than 90 per cent of sucrose including khandsari sugar, sugaricandy and bura sugar,

(ii) any sugar of crystalline structure,

(iii) sugar in process in vacuum pan sugar factory or raw sugar produced therein.

3. Restriction on sale, etc., of sugar by producers—No producer shall sell or agree to sell or otherwise dispose of sugar, or deliver or agree to deliver sugar, or remove any sugar from the bonded godowns of the factory in which it is produced, except under and in accordance with a direction issued in writing by the Central Government or the Chief Director.

4. Power to issue directions to producers and dealers.—The Central Government or the Chief Director may, from time to time by general or special order, issue to any producer or recognised dealer, or any class of producers or recognised dealers, such directions regarding the production, maintenance of stocks, storage, sale grading, packing, marking, weighment, disposal, delivery and distribution of sugar as it or he may deem fit

5. Power to regulate movement of sugar.—The Central Government or the Chief Director may, by general or special order, direct that no person shall transport or offer or accept for transport whether by road, rail or water all or any specified type or grade of sugar, except under—

(*a*) a general or special permit issued in this behalf;

(*b*) a military credit note,

Provided that nothing in this clause shall apply to the transport of sugar not exceeding one kilogram as part of the personal luggage of a *bona fide* traveller

6. Power to fix sugar prices.—(1) The Central Government may, from time to time, by notification in the *Gazette of India*, fix the price or the maximum price at which any sugar may be sold or delivered, and different prices may be fixed for different areas or different factories or different types or grades of sugar.

(2) Such price or maximum price shall be fixed having regard to—

(*a*) the estimated cost of production of sugar determined on the basis of the relevant schedule of costs given in the Report of the tariff commission (1959) on the cost structure of sugar and Fair Price payable to the Sugar Industry, subject to the adjustment of such rise in cost subsequent to the Tariff Commission enquiry in 1959 as in the opinion of the Central Government cannot be absorbed by the margin for contingency included in the relevant schedule and the consequent rise in return, and

(*b*) the average of the prices at which sugar was sold by the producer or producers in an area during such period, not being more than three months or less than two months immediately before the 1st April 1963, as the Central Government may think fit

Provided that where full information as to the price or prices at which sugar was sold in that area during the period aforesaid is not available, regard shall be had to the average of the prices during that period for which information is available.

(3) Where the price or the maximum price has been so fixed, no person shall sell or purchase or agree to sell or purchase any sugar at a price in excess of that fixed under sub-clause (1)

Provided that the price at which sugar may be sold for delivery otherwise than ex-factory shall not exceed the price or the maximum price, as the case may be, fixed under sub-clause (1) for sale ex-factory *plus* such charges in respect of transport to any town or any specified area and other incidental charges as may be fixed by the State Government in accordance with the instructions issued by the Central Government in this behalf from time to time

7. Power to allot quotas of sugar—The Central Government or the Chief Director may, from time to time, by order, allot quotas of sugar to any specified State or area.

8 Power to issue directions to supply sugar—The Central Government or the Chief Director may, from time to time, by order issue directions to any producer or recognised dealer to supply sugar of such type or grade, in such quantities and to such areas or markets or to such persons or organisations as may be specified in the order and at a price not exceeding the price or the maximum price fixed under clause 6.

9 Power to call for information, etc.—The Central Government or the Chief Director or any person authorised in this behalf by the Central Government may, with a view to securing compliance with this order, or to satisfy itself or himself that any order or direction issued under this order is complied with—

(*a*) require any producer or recognised dealer to furnish within such period or at such intervals as may be

specified, such information, returns or reports and in such forms as may be required, and

(*b*) prescribe the manner in which accounts of any sales, purchases or other transactions of sugar should be kept.

10. Powers of inspection, entry and seizure.—The Chief Director or any other officer authorised by the Central Government in this behalf may—

(*a*) inspect or cause to be inspected any books or other documents belonging to or under the control of a producer or recognised dealer,

(*b*) enter and search or authorise any person to enter and search the premises of a producer or recognised dealer,

(*c*) seize stocks of sugar or authorise any person to seize such stocks in respect of which he has reason to believe that a contravention of this order has been, or is being or is about to be committed

11. Producers, etc, to comply with directions under this Order—Every producer, recognised dealer or other person to whom any order or direction is issued under any powers conferred by or under this order shall comply with such order or direction.

[No 1(1)/63 S Py]
L G RAJWADE, Jt Secy.